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Board of Vocational Nursing and Psychiatric Technicians

BEFORE THE BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. VN 2005-2475

ACCUSATION

15 MICHELLE ANN EMMETT

21136 Gladiolos Way

Lake Forest, California 92630

Vocational Nurse License No. VN 217331

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the

Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"),

24 Department of Consumer Affairs.

License History

On or about October 14, 2005, the Board issued Vocational Nurse License 2

Number VN 217331 ("license") to Michelle Ann Emmett ("Respondent"). The license will 27

expire on November 30, 2009, unless renewed.

- STATUTORY PROVISIONS Section 2875 of the Business and Professions Code ("Code") states, in 3. pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing Practice Act. Code section 118, subdivision (b), states, in pertinent part, that the 4 expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Board may renew an expired license at any time within four years after the expiration. Code section 125.3 of the Code provides, in pertinent part, that the Board 5 may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
 - investigation and enforcement of the case.
 - 6. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Code section 2840 et seq.)] for any of the following:

- (a) Unprofessional conduct, ...
- The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee.
- 7. Code section 2878.5 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to narcotics or dangerous drugs as specified in subdivision (b).

8. DRUG

"Ativan" is a brand of Lorazepam, and is a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(13).

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1 FIRST CAUSE FOR DISCIPLINE 2 (Falsify Patient and/or Hospital Records) 3 Respondent is subject to disciplinary action under Code section 2878, 9. subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2878.5, 4 5 subdivision (e), in that on or about June 17, 2006, while on duty as a licensed vocational nurse at Villa Valencia Skilled Nursing Center in Laguna Hills, California, Respondent falsified or made 6 grossly incorrect, inconsistent, or unintelligible entries in the patient and/or hospital records, as 7 8 follows: 9 At approximately 2000 hours, Respondent took two 5 mg. tablets of Ativan from patient R.L.'s medication cart to administer to patient H.S. and charted the 10 administration of an unknown amount of Ativan in patient H.S.'s Medication Administration 11 12 Record. 13 Respondent then entered another nurse's initials in the Medication b. Administration Record for patient H.S., without the other nurse's consent or knowledge, 14 reflecting that the other nurse had administered the Ativan for patient H.S. 15 16 **SECOND CAUSE OF ACTION** 17 (Dishonesty) 18 Respondent is subject to disciplinary action under Code section 2878, 10. subdivision (j), on the grounds of unprofessional conduct, in that Respondent committed acts of 19 dishonesty as set forth in paragraph 9, above, which acts are substantially related to the duties 20 21 and functions of a licensed vocational nurse. 22 /// 23]// 24 /// 25 /// 26 /// 27 /// 28 M

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

- 1. Revoking or suspending Vocational Nurse License Number VN 217331 issued to Michelle Ann Emmett;
- 2. Ordering Michelle Ann Emmett to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
 - Taking such other and further action as deemed necessary and proper.

DATED: February 15, 2008

TERESA BELLOJONES, J.D., M.S.N., R.N.

Executive Officer

Board of Vocational Nursing and Psychiatric Technicians

Department of Consumer Affairs

State of California Complainant

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